



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hiroaki KAWAI et al.

Serial Number: 09/282,450

Group Art Unit: 2876

Filed: March 31, 1999

Examiner: D. LEE

For: COMMODITY INFORMATION MANAGEMENT SYSTEM

**REQUEST FOR RECONSIDERATION
- EXPEDITED RESPONSE -
GROUP ART UNIT 2876**

BOX AF

Commissioner for Patents
Washington, D. C. 20231

March 27, 2001

Sir:

In response to the Office Action dated February 1, 2001, Applicants respectfully request reconsideration of the 35 USC §103(a) rejection of claims 1-9 as unpatentable over Tatsuya.

The Examiner has maintained from the previous Office Action of August 10, 2000, the 35 USC §103(a) rejection of claims 1-9 as unpatentable over Tatsuya.

As noted in Applicants' response of December 6, 2000, Tatsuya discloses a commodity take-out device in which the commodities are prepared in a commodity containing part 2 in a take-out-impossible state locked by a lock mechanism with a door 6 in a blocked state.

Immediately after information of a bar code 11 indicating commodity contents which are

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allocated at every door 6 in place of the commodity itself is read by the bar code scanner 15, a reading recognition light emitting part 19 at a bar code scanner 15 side emits light, a reading recognition light receiving part 20 receives light so as to release the lock of the lock mechanism in the door 6 of a corresponding commodity take-out port 5 and the commodity can be taken-out so that the read bar code information correctly corresponds to the take-out commodity.

Tatsuya is directed to opening a door containing a commodity, and there is no element in Tatsuya which corresponds to a tag, deactivator or the detector of the present invention.

In particular, the Examiner has urged that element 12 in Tatsuya constitutes a tag as claimed in the present invention.

Applicants respectfully disagree. Element 12 in Fig. 1(a) appears to merely represent a printed label identifying the commodity in the locked compartment.

The Examiner has also urged that reading recognition light receiving part 20 constitutes the deactivator claimed in the present invention.

Applicants respectfully disagree. Reading recognition light receiving part 20 functions to open the locked compartment and does not deactivate any tag, as required in the claims of the instant application.

The Examiner has urged that an object sensor serves as the detector claimed in the present invention.

Applicants respectfully disagree. No object sensor in the drawings has been identified by the Examiner and, furthermore, no element may serve as the claimed detector because it does not detect effectivity of any tag, as required in the claims of the present invention.

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Thus, the 35 USC §103(a) rejection should be reconsidered and withdrawn.

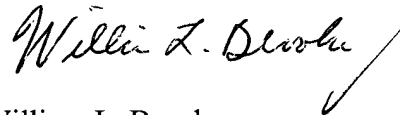
In view of the aforementioned remarks, claims 1-9 are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney, at the telephone number indicated below, to arrange for an interview to expedite the disposition of this case.

In the event this response is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI
McLELAND & NAUGHTON, LLP

A handwritten signature in cursive script, reading "William L. Brooks", followed by a large checkmark.

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